

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

**FILED**  
at Santa Fe, NM

JUL 31 2002

ROBERT M. MARCH, Clerk  
UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO *ex rel.*  
State Engineer,

Plaintiff,  
v.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941 JEC-ACE

RIO CHAMA STREAM SYSTEM  
Rio Nutrias, Section 3

Subfile No.: CHNU-001-0005

**CONSENT ORDER**

The Court, having considered the agreement between the Plaintiff State of New Mexico  
and Defendant(s):

**LUCIA A. MONTOYA  
ROBERT J. MONTOYA**

concerning the Defendant's right to use the public waters of the Rio Chama Stream System,  
as set forth below finds:

1. The Court has jurisdiction over the parties and the subject matter of this suit.
2. The State of New Mexico and the above-named Defendant(s) are in agreement concerning certain elements of Defendant's right to divert and use the public waters of the Rio Chama Stream System, Rio Nutrias, Section 3, and by their signatures appearing below, the State and the Defendant(s) have approved and accepted the elements of Defendant's water rights as set forth in paragraph 4 herein.
3. There is no just reason for delay for the entry of a final judgment as to the element of the claims of the Defendant(s) adjudicated by this order.

**RECEIVED**

JUN 17 2002

OFFICE OF THE STATE ENGINEER  
LEGAL SERVICES DIVISION

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4. The right of the Defendant(s) to divert and use the public waters from the Rio Chama Stream System, Rio Nutrias, Section 3, is set forth below:

**A. IRRIGATED LANDS (Surface Water Only):**

**Office of the State Engineer Files No(s)** NONE

**Priority:** Reserved for future determination by court order entered July 25, 2000.

**Source of Water:** Surface Water of the Rio Nutrias, a tributary of the Chama River.

**Purpose of Use:** IRRIGATION

**Point of Diversion:**

**Ditch Name:** Acequia Pedro Esquibel

**Location X:** 1,576,343 feet **Y:** 2,039,834 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

**Location and Amount of Irrigated Acreage:**

Section 02, Township 27N, Range 04E, N.M.P.M.

Pt. of Lot 1	5.3 acres
Within the Tierra Amarilla Grant	27.3 acres
Total	32.6 acres

As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHNU-001-0005.

**Amount of Water:** Reserved for future determination by court order entered July 25, 2000.

**B. NO RIGHT (Surface Water Only):**

**Office of the State Engineer Files No(s)** NONE

**Priority:** NONE

**Source of Water:** NONE

**Purpose of Use:** NO RIGHT

**Point of Diversion:**

**Ditch Name:** NONE

**Location X:** 1,573,634 feet **Y:** 2,037,817 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

**Location and Amount of Acreage**

Section 02, Township 27N, Range 04E, N.M.P.M.

Pt. SE $\frac{1}{4}$  1.4 acres

Total 1.4 acres


As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHNU-001-0005.

**Amount of Water: NONE**

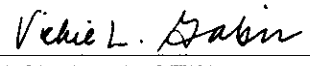
5. Defendant(s) have no surface water rights in the Rio Chama Stream System, Rio Nutrias, Section 3, other than those set forth in this order and those other orders entered by this Court in this cause.
6. Defendant(s), his or her successors, representatives, heirs and assigns, should be enjoined from any use of the surface waters of the Rio Chama Stream System, Rio Nutrias, Section 3, except in strict accordance with the water rights described herein.
7. The water rights described herein, if any, are adjudicated subject to the right of any other water right claimant with standing to object prior to the entry of a final decree.

IT IS THEREFORE ORDERED that the rights of the Defendant(s) to divert and use the waters of the Rio Chama Stream System, Rio Nutrias, Section 3, are as set forth herein. The Defendant(s), his or her successors, representatives, heirs and assigns, are enjoined from any diversion or use of the public surface waters of the Rio Chama Stream System, Rio Nutrias, Section 3, except in strict accordance with the rights set forth herein or in other orders of the Court.

The Court enters this Consent Order as a final judgment as to the elements of Defendant's waters rights set forth herein, subject to the right of other claimants to file objections to individual adjudication orders, and to the entry of the final decree in this proceeding.

  
UNITED STATES DISTRICT JUDGE

Recommended for approval:

  
SPECIAL MASTER

ACCEPTED:   
LUCIA A. MONTAYA

ADDRESS: 3007 Sirum Rd  
SANTA FE NM  
87505

DATE: 6-17-02

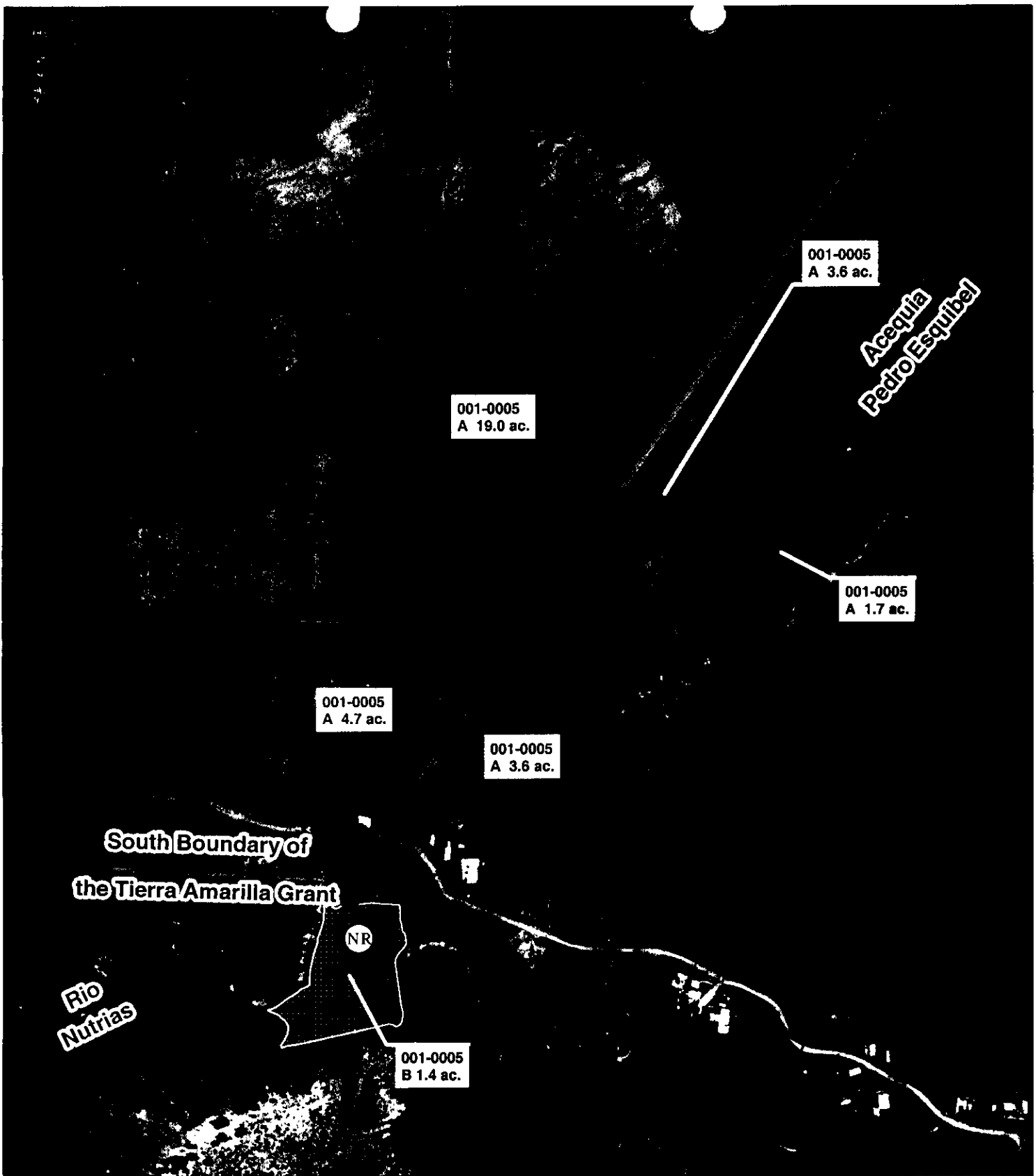
ACCEPTED:   
ROBERT J. MONTAYA


ADDRESS: 3007 Sirum Rd  
SANTA FE NM 87505

DATE: 6-17-02

  
EDWARD G. NEVILLE  
Special Assistant Attorney General

6-17-02  
Date



<p><b>Legend</b></p> <ul style="list-style-type: none"> <li>— Irrigated Tract Boundary</li> <li>- - - No Right Tract Boundary</li> <li>— Operable Ditch</li> <li>- - - Inoperable Ditch</li> <li>— Stock Pond / Reservoir</li> <li>● Point of Diversion</li> <li>NR No Right</li> </ul> <p>Scale 1"=300'</p> <p>0 80 160 320 Feet</p>	<p><b>STATE OF NEW MEXICO</b>          Office of the State Engineer          Thomas C. Turney, State Engineer</p> <p><b>Rio Chama Hydrographic Survey</b>  <b>RIO NUTRIAS SECTION</b></p>	<p><b>Subfile CHNU-001-0005</b>  <b>Acequia Pedro Esquibel</b>  <b>Amended August 15, 2001</b></p> 
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